

WC 10-101
file

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

IN THE MATTER of the Application)
for a Declaratory Ruling on the)
Commission's Jurisdiction of the)
Rates, Terms and Conditions for)
the Use of Public Utility Facili-)
ties by Cable Television Operators)

Docket No. 6705

DOCKET FILE COPY ORIGINAL

PETITION TO INTERVENE BY
MONTANA-DAKOTA UTILITIES CO.

Comes now Montana-Dakota Utilities Co. ("MDU"), pur-
suant to subchapter 30, Chapter 2, Overall Department Rules
for Public Service Regulation (§38-2.2(30)-P2290 to §38-
2.2(30)-P2340, Administrative Rules of Montana) and for its
Petition to Intervene represents as follows:

I.

MDU is a public utility under the jurisdiction of the
Montana Public Service Commission.

II.

That for the purpose of this Petition and these pro-
ceedings, the post office address of MDU is and shall be:

C. Lowell Gamble, Assistant Treasurer
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501

III.

That the attorneys for MDU in this proceeding are:

1 Loble & Pauly, P.C.
2 Lester H. Loble, II
3 833 North Last Chance Gulch
P. O. Box 176
Helena, Montana 59601

4 All notices and other documents relating to this case
5 should be served upon Mr. Gamble and upon the attorneys for
6 MDU at the addresses shown above.

7 IV.

8 That Petitioner's Request for Declaratory Ruling pro-
9 poses that this Commission exercise jurisdiction or authority
10 over the rates, terms and conditions of contracts between
11 Cable TV companies and Petitioner and other public utilities
12 relating to the use or occupancy of said utility property.

13 V.

14 That the use and occupancy of public utility property
15 by Cable TV companies is not within the jurisdiction or
16 authority of the Montana Public Service Commission.

17 VI.

18 That 47 U.S.C. §224(b) provides that the Federal Com-
19 munications Commission of the United States shall regulate
20 the rates, terms and conditions for pole attachments to
21 provide that such rates, terms and conditions are just and
22 reasonable, and shall adopt procedures necessary and
23 appropriate to hear and resolve complaints concerning such
24 rates, terms and conditions in any state in which such
25 matters are not regulated by said state.

1 VII.

2 That the State of Montana has not vested in this Com-
3 mission or any other agency of the State of Montana the
4 jurisdiction, power or authority to consider the interests
5 of the subscribers of Cable TV services as well as the
6 interests of the consumers of utility services for the
7 purpose of regulating the rates, terms and conditions for
8 cable television pole attachments.

9 VIII.

10 That the State of Montana has not vested in this Com-
11 mission or any other agency of the State of Montana the
12 jurisdiction, power or authority to regulate the rates,
13 terms and conditions governing the use of any of the facil-
14 ities of public utilities operating within the State of
15 Montana by Cable TV companies.

16 WHEREFORE, MDU requests that the Commission:

17 1. Make its order permitting MDU to intervene in all
18 of the matters and things to be included in this Docket
19 No. 6705 and to become a party to this proceeding.

20 2. Make such findings of fact, conclusions of law
21 and orders as are necessary and proper to find and declare
22 that this Commission has no jurisdiction, power or author-
23 ity relating to the rates, terms and conditions for the use
24 of public utility facilities by Cable TV operators.

25 3. Make its order for such other and further relief

1 as may be appropriate on the record of this proceeding.

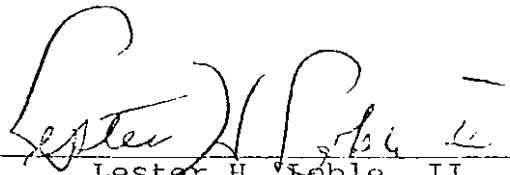
2 Dated this 15th day of October, 1979.

3 LOBLE & PAULY, P.C.

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6

By 
Lester H. Loble, II

7

Attorneys for Petitioner
Montana-Dakota Utilities Co.

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833 North Last Chance Gulch
P. O. Box 176
Helena, Montana 59601

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12 Copies to attached Service List.

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Helena Television
613 No. Main
Helena, MT 59601

Laurel Cable TV Company
Laurel, MT 59044

Livingston Community Antenna
Association
Livingston, MT 59047

Dillon Cable TV
25 East Bannack
Dillon, MT 59725

Hot Spring Telephone Co.
Hot Springs, MT 59845

Intermountain Telephone Co.
P. O. Box 20183
Billings, MT 59101

Mutual Telephone Co. of Saco
Saco, MT 59261

Ronan Telephone Co.
Ronan, MT 59864

Charles M. Meehan
Keller and Heckman
1150 17th Street, N.W.
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Washington, D.C. 20036
(Counsel for Telecommunications
Council)

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406 Fuller Avenue
P. O. Box 1166
Helena, MT 59601

Cal Robinson
Murphy, Robinson, Heckathorn
& Phillips Law Firm
1 Main
Kalispell, MT 59901

Montana Video
1124 16th Street West
Billings, MT 59102

Hardin Cable TV, Inc.
P. O. Box 815
Big Timber, MT 59011

Bozeman Community Television
233 East Main
Bozeman, MT 59715

Western Television
408 East Park Avenue
Anaconda, MT 59711

Lemhi Telephone Co.
P. O. Box 1007
Salmon, ID 83467

Lincoln-Helena Telephone Co.
Lincoln, MT 59639

Project Telephone Co.
Warden, MT 59088

Southern Montana Telephone Co.
Wisdom, MT 59761

R. Clark Wadlow
Hogan & Hartson
815 Connecticut Avenue
Washington, D.C. 20006
(Counsel for Teleprompter Corp.)

Lester H. Loble, II
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833 N. Last Chance Gulch, P.O. Box 170
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Federal Communications Commission
Common Carrier Bureau
1919 M Street, N.W.
Washington, D.C. 20554
ATTN: Jim Tallens

Montana-Dakota Utilities Co.
400 N. Fourth Street
Bismarck, N.D. 58501
ATTN: C. Lowell Gamble

Pacific Power & Light Co.
Public Service Building
920 S.W. 6th Avenue
Portland, OR 97204
ATTN: C. P. Davenport

Mountain Bell
P. O. Box 960
Denver, CO 80201
ATTN: John Stoller, Esq.

General Telephone
1800 41st Street
P. O. Box 1003
Everett, WA 98206

Continental Telephone
of the West
P. O. Box 5246
Bakersfield, CA 93308

Rattlesnake Cable Company
P. O. Box 1252
Missoula, MT 59801

Marshall's Cable
Milltown, MT 59851

Superior TV Cable Company
Superior, MT 59872

Community Television, Inc.
318 Milwaukee
Deer Lodge, MT 59722

Community Television Assoc.
Of Havre, Inc.
P. O. Box 70
Havre, MT 59501

Montana Light and Power Co.
Troy, Montana 59935
ATTN: W. J. Buyske, Manager

Washington Water Power Co.
1411 East Mission Avenue
P. O. Box 3727
Spokane, WA 99220
ATTN: J. P. Buckley

Black Hills Power & Light Co.
625 Ninth Street
P. O. Box 1400
Rapid City, SD 57709
ATTN: W. P. McNutt

Telephone System of the Northwest
Public Service Building
920 S.W. 6th Avenue
Portland, OR 97204
ATTN: A. M. Gleason

Lewistown Cable TV Co.
Masonic Temple
Lewistown, MT 59457

Teleprompter Cable Communications, Inc.
924 South 3rd Street, West
Missoula, MT 59801

Teleprompter Cable Corporation
110 N. 3rd
Hamilton, MT 59840

Butte Television
201 East Front Street
Butte, MT 59701

Montana Cablevision, Inc.
804 2nd Avenue, South
Glasgow, MT 59230

Teleprompter Cable Corporation
2910 10th Avenue, South
Great Falls, MT 59401

Barry Simon
Teleprompter Corporation
888 7th Avenue
New York, NY 10019

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Great Falls, MT 59401

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